

April 15, 2002

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO SUPPORT ASSEMBLY BILL 2185 (ITEM NO. 135-E, AGENDA OF APRIL 16, 2002)

Item No. 135-E on the April 16, 2002 Agenda is a motion by Supervisor Antonovich that the Board of Supervisors support AB 2185 (Chavez), and instruct the Chief Administrative Officer to send a five-signature letter to various legislators in support of the bill.

AB 2185 would change the method of selecting the members of the Los Angeles Regional Water Quality Control Board (RWQCB). Under current law, the Governor appoints all nine members of the RWQCB. Under this bill, the Governor would appoint only six members, with each required to meet certain qualifications related to water quality issues. Of the remaining three members: one must be a mayor or council member, selected by a committee of the League of California Cities; one must be a supervisor, selected by a committee appointed by the boards of supervisors of the counties in the region; and one must be a board member of a sanitation district, selected by a committee appointed by the sanitation agencies in the region. As under current law, all appointees would be confirmed by the Senate.

As introduced, AB 2185 appears to conflict with Section 13388 of the State Water Code, which prohibits a person who "receives or has received during the previous two years a significant portion of his income directly or indirectly from any person subject to waste discharge requirements or applicants for waste discharge requirements" from being a member of the RWQCB. Since counties, cities and sanitation districts have RWQCB permits, their members would be disqualified from appointment to the RWQCB, even if AB 2185 becomes law.

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According to the author's office, the City of Signal Hill sponsored the bill because it believes the RWQCB would establish requirements that were more technically and economically feasible if it had members who had practical experience in implementing storm water discharge requirements. Other cities in the region, including La Cañada-Flintridge and Diamond Bar, also support the bill. The Sierra Club is the only organization in opposition, arguing that the agencies being regulated should not have a seat on the regulatory body.

The Department of Public Works (DPW) indicates that the RWQCB makes decisions that have major operational and cost impacts on the County and its cities. Implementation of the RWQCB's requirements, such as the zero trash and debris TMDL (Total Maximum Daily Load) for the L. A. River and Ballona Creek, can cost the County and cities millions of dollars. Lack of compliance can lead to significant mandatory penalties. If representatives of the cities, counties, and sanitation districts were included on the RWQCB, their operational insights could have a positive impact on its policies and regulations. Also, time and money could be saved by avoidance of long legal battles over controversial regulations.

The DPW recommends that the County **support this bill but requests that it be amended to exempt appointees employed by local agencies from the provisions of Section 13388 of the Water Code. However, there is no specific Board policy on this issue. Therefore, a position on this bill is a matter for Board determination.**

The bill is scheduled for hearing on April 16, 2002, in the Assembly Committee on Environmental Safety and Toxic Materials.

DEJ:GK
DRS:md

c: Executive Officer, Board of Supervisors
County Counsel
Legislative Strategist